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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Wilfred H. Nelson et al. GROUP: 1641
SERIAL NO: 08/818,534 EXAMINER: J. Hines
FILED: 03/14/97
FOR: DIRECT DETECTION OF BACTERIA-ANTIBODY
COMPLEXES VIA UV RESONANCE RAMAN
SPECTROSCOPY

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT

In the Claims:

Please add the following claims:

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13. (New) The method of claim 2 wherein the bacterium is *E.coli* and the antibodies are anti-*E.coli*.
14. (New) The system of claim 12 wherein the medium is a fluid and the microorganism is a bacterium.
- 15 (New) The system of claim 14 wherein the bacterium is *E.coli* and the antibodies are anti-*E.coli*.
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REMARKS

The Office Action of February 5, 2001 has been received and the comments of the Examiner carefully considered.

The interview with the Examiner of November 29, 2000 is acknowledged and appreciated. It is believed the Examiner Interview Summary Record sets forth the substance of the interview.

Claims 13-15 have been added to more fully protect Applicant's invention. No new matter has been added. Support for the added claims can be found in the specification on page 4 bridging to page 5.

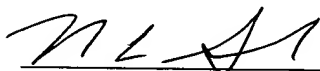
The Examiner has rejected claims 2 and 9-12 pursuant to 35 U.S.C. §103 as being obvious in view of Nelson et al. (U.S. Pat. No. 4,487,198) and Herron et al. Further, the Examiner has rejected claims 2 and 9-12 pursuant to 35 U.S.C. §103(a) as being unpatentable in view of Chadha et al. and Herron et al.

Enclosed herewith is a declaration submitted pursuant to 37 C.F.R. §1.132. The declaration sets forth facts which evidence that the claimed method and system for detecting the presence of a specific microorganism in a sample yields unexpectedly significant results in view of the cited prior art. As set forth in paragraphs 6-10 of the declaration, the results produced by the use of the claimed method or practice were unexpected because one of ordinary skill in the art would have expected that the irradiation of antibodies and/or antibody-antigen complexes with light having a wavelength in the range of about 242-257 nm would have produced resonance Raman spectra that would have interfered with the resonance Raman spectra of microorganisms in the sample thereby affecting the detection of the microorganisms.

Accordingly, it is respectfully submitted that the Examiner's obviousness rejections in view of the cited prior art have been obviated in view of the submitted evidence of unexpected results.

It is respectfully submitted that the claims are now in condition for allowance and the same is earnestly solicited.

Respectfully submitted



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